

031604
19138

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 5618P3467X

First Inventor Eugene T. Michal, et al.

Title Methods and Compositions to Treat Myocardial Conditions

Express Mail Label No. EV277415441US

19270 U.S. PTO
10802955

031604

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

ADDRESS TO:
Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages 94]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (*if filed*)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Sheets 18]
5. Oath or Declaration (signed) [Total Pages 10]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76
7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies
9. Assignment Papers (cover sheet & document(s))
10. 37 C.F.R. § 3.73(b) Statement Power of Attorney
(when there is an assignee)
11. English Translation Document *(if applicable)*
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment Application Amended to Reflect Claim of Priority
14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i).
Applicant must attach form PTO/SB/35 or its equivalent.
17. Other: Appendix A, Certificate of Express Mail, Check No. 4317 in the amt. of \$2512.00

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP)

of prior application No: 10/414,602

Prior application Information: Examiner _____

Group/Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS Customer Number

08791

or Correspondence address below

Name	Roberta J. Hanson Blakely, Sokoloff, Taylor & Zafman LLP			
Address	12400 Wilshire Boulevard, 7th Floor			
City	Los Angeles	State	California	Zip Code
Country	USA	Telephone	(303) 740-1980	Fax (303) 740-6962

Name (Print/Type)	Roberta J. Hanson	Registration No. (Attorney/Agent)	51,774
Signature	Roberta J. Hanson	Date	03/16/04

Based on PTO/SB/05 (01-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 02/10/2004.
SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FEE TRANSMITTAL for FY 2004

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) **2,512.00**

Complete if Known

Application Number	
Filing Date	
First Named Inventor	Eugene T. Michal
Examiner Name	
Art Unit	
Attorney Docket No.	5618P3467X

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None
 Deposit Account

Deposit Account Number **02-2666**

Deposit Account Name **Blakely, Sokoloff, Taylor & Zafman LLP**

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee (\$)	
1001	2001	385 Utility filing fee	770.00
1002	2002	170 Design filing fee	
1003	2003	265 Plant filing fee	
1004	2004	385 Reissue filing fee	
1005	2005	80 Provisional filing fee	
SUBTOTAL (1)		(\$)	770.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	62 - 20* = 42	x 18.00 =	\$756.00
Independent Claims	14 - 3* = 11	x 86.00 =	\$946.00
Multiple Dependent			

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee (\$)	
1202	2202	9 Claims in excess of 20	
1201	2201	43 Independent claims in excess of 3	
1203	2203	145 Multiple Dependent claim, if not paid	
1204	2204	43 **Reissue independent claims over original patent	
1205	2205	9 **Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)		(\$)	1,702.00

**or number previously paid, if greater. For Reissues, see below

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee (\$)	
1051	2051	65 Surcharge - late filing fee or oath	
1052	2052	25 Surcharge - late provisional filing fee or cover sheet	
2053	2053	130 Non-English specification	
1812	1812	2,520 For filing a request for ex parte reexamination	
1804	1804	920 * Requesting publication of SIR prior to Examiner action	
1805	1805	1,840 * Requesting publication of SIR after Examiner action	
1251	2251	55 Extension for reply within first month	
1252	2252	210 Extension for reply within second month	
1253	2253	475 Extension for reply within third month	
1254	2254	740 Extension for reply within fourth month	
1255	2255	605 Extension for reply within fifth month	
1404	2401	165 Notice of Appeal	
1402	2402	165 Filing a brief in support of an appeal	
1403	2403	145 Request for oral hearing	
1451	2451	1,510 Petition to institute a public use proceeding	
1452	2452	55 Petition to revive - unavoidable	
1453	2453	665 Petition to revive - unintentional	
1501	2501	665 Utility issue fee (or reissue)	
1502	2502	240 Design issue fee	
1503	2503	320 Plant issue fee	
1460	2460	130 Petitions to the Commissioner	
1807	1807	50 Prosessing fee under 37 CFR 1.17(q)	
1806	1806	180 Submission of Information Disclosure Stmt	
8021	8021	40 Recording each patent assignment per property (times number of properties)	40.00
1809	1809	385 Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	2810	385 For each additional invention to be examined (37 CFR § 1.129(b))	
1801	2801	385 Request for Continued Examination (RCE)	
1802	1802	900 Request for expedited examination of a design application	
Other fee (specify)			

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) **40.00**

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Roberta J. Hanson	Registration No. (Attorney/Agent)	51,774	Telephone	(303) 740-1980
Signature		Date	03/16/04		

Based on PTO/SB/17 (10-03) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 02/10/2004.
SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Eugene T. Michal
Title	Methods and Compositions to Treat Myocardial Conditions
Attorney Docket Number	5618P3467X

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

03/16/04

Date



Signature

(303) 740-1980

Telephone number

Roberta J. Hanson, Reg. No. 51,774

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 112(b)(2)(B)(iii)).**